

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BRIAN P. LANE, Individually and,
on behalf of all others similarly situated

Plaintiff,

v.

THE UNITED STATES

Defendant.

Case No. 3:19-cv-01492-X
Judge Brantley Starr

JOINT STATUS REPORT

In accordance with the Court's June 14, 2024 order, ECF No. 35, the parties respectfully submit the following Joint Status Report.

1. Plaintiff, Brian Lane, brought this case five years ago as a putative class action, asserting that the 2018 bump-stock rule promulgated by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) constituted an uncompensated taking under the Fifth Amendment. *See* Compl., ECF No. 1 ¶¶ 4-5, 48-54. Defendants subsequently filed a motion to dismiss, ECF No. 18, but—at the request of the parties—the Court deferred resolution of that motion and stayed the case pending resolution of two similar cases in the United States Court of Appeals for the Federal Circuit. Order, ECF No. 34, 2024. That stay continued as the validity of ATF's rule was being litigated at the Court of Appeals for the Fifth Circuit and, ultimately, the Supreme Court.

2. Last week, the Supreme Court issued its decision concluding that “a semiautomatic rifle equipped with a bump stock is not a ‘machinegun’ because it cannot fire more than one shot ‘by a single function of the trigger.’ And, even if it could, it would not do so ‘automatically.’ ATF therefore exceed its statutory authority by issuing a Rule that classifies bump stocks as machineguns.” *Garland v. Cargill*, No. 22-976, Slip Op. at 6 (U.S. June 14, 2024). In light of that decision, this Court directed the parties here to propose their

“recommended path forward” in this matter. ECF No. 35 at 2.

3. Counsel for the parties have now conferred and reached agreement on the appropriate course of proceedings. The parties believe that the most efficient path forward would be for Defendants to withdraw their pending motion to dismiss and to file a new one in its place, which the parties can brief in due course.

4. The parties have agreed that this briefing can proceed on the following schedule:

Defendants shall have until **July 31, 2024**, to file a renewed motion to dismiss;

Plaintiffs will submit their response by **August 30, 2024**;

Defendants shall submit their reply by **September 20, 2024**.

5. Accordingly, the parties respectfully request that the Court deem Defendants pending motion to dismiss withdrawn and enter the above briefing schedule.

Dated: June 21, 2024

Respectfully submitted,

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General

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/s/ Alexander V. Sverdlov
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CERTIFICATE OF SERVICE

On June 21, 2024, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2) or the local rules.

/s/ Adam M. Riley